

**COMMISSION ON COMMON OWNERSHIP COMMUNITIES
FOR MONTGOMERY COUNTY, MARYLAND**

In the Matter of:	:	
	:	
WATERS LANDING ASSOCIATION, INC.	:	
20000 Waters Landing Association Inc.	:	
Germantown, Maryland 20874	:	
	:	
Complainant	:	
	:	
vs.	:	Case No. 641-G
	:	
WANDA FREEMAN	:	
13257 White Church Circle	:	
Germantown, Maryland 20874	:	
	:	
Respondent.	:	
	:	

DECISION AND ORDER

The above-entitled case, having come before the Commission on Common Ownership Communities for Montgomery County, Maryland, for hearing on June 30, 2004, pursuant to Section 10B-5(I), 10B-9(a), 10B-10, 10B-12, and 10B-13 of the Montgomery County Code 1984 as amended, and the duly appointed hearing panel having considered the testimony and evidence of record, finds determines and orders as follows:

BACKGROUND

The Complainant Waters Landing Association Inc. is an umbrella/master Homeowners Association located in Germantown, Maryland. The Respondent Wanda Freeman is the owner of the property at 13257 White Church Circle, which is located within the Waters Landing Association.

The matter was referred to mediation with the Commission on Common Ownership Communities, wherein the Respondent did not appear. The matter was originally set for public

hearing and heard on June 30, wherein the Respondent again did not appear.¹ The hearing was held before a panel consisting of Commissioner Arlene Perkins, Lawrence Stein and Panel Chair Jeffrey Van Grack.

FINDINGS OF FACT

1. Complainant is a Master/Umbrella Homeowners Association and the Respondent is the owner of the property located at 13257 White Church Circle.

2. The Respondent is subject to certain sets of Declaration Rules, Regulations and Guidelines that apply to the Property at 13257 White Church Circle. These documents are Pages 48 to 135 of Commission Exhibit No. 1.

3. Complainant has written letters to Respondent dated November 1, 1994, August 10, 1995, August 29, 1995, May 2, 1997, September 30, 1998, August 24, 1999, October 5, 2000, September 19, 2001, May 22, 2002, August 13, 2002, October 22, 2002, January 27, 2003, February 28, 2003, and March 12, 2003.

4. Complainant held a hearing on March 26, 2003 and provided Respondent both an opportunity to be heard and the right to appeal the decision.

5. Despite correspondence from the Complainant and the Commission the only correspondence or contract concerning these continued architectural violations was a letter dated August 20, 2003 from Ms. Wanda Freeman to Elizabeth B. Davidson. This document is Page 143 of Commission Exhibit No. 1.

¹ The record would reflect that notices were sent from the Commission on July 23, 2003, January 6, 2004, February 3, 2004 and March 31, 2004 by both regular and certified mail. Although the Respondent did not pick up the certified mail, she did apparently receive the regular mail based upon response dated August 20, 1993. Additionally, Commission Exhibit 2 is a statement from Maureen Harzuiski to Jeffrey Van Grack confirming that a number of messages had been left on the answering machine of the Respondent. A copy of this Exhibit is attached to this Order.

6. The Respondent has failed to (i) install house numbers in violation of the Association's Documents and Montgomery County Code; and (ii) repair/replace rotting boards-front door, and paint the board on the upstairs.

7. The Respondent installed a fence which was in violation of the Association Documents.

8. The Complainant introduced pictures of each and every violation, which fairly and accurately show the violations. The exhibits are made a part of this Opinion.

CONCLUSIONS OF LAW

The Waters Landing Association, Inc. is governed by a Declaration of Covenants, Conditions and Documents duly filed and recorded in the land records of Montgomery County, Maryland on or about March 20, 1981.

Wanda Freeman has failed to maintain her lot and house. Additionally, the Respondent has constructed a fence without the approval of the Architectural and Environmental Review Committee.

ORDER

In view of the foregoing, and based upon the evidence record, for these reasons set forth above, it is this 22nd day of September 2004 by the Commission on Common Ownerships Communities ordered that.

1. Ms Freeman shall install properly sized numbers on the front of the house located at 13257 White Church Circle. This shall be accomplished within seven (7) days from the date of this Order. (See Exhibit 1.)

2. Ms. Freeman is to submit a plan within fifteen (15) days from the date of this Order to have all of the following repairs made to her unit and the work completed by August 30, 2004. The items that need to be done are as follows:


- a. The lawn needs to be properly planted and maintained (See Exhibit 2);
- b. The vent louvers need to be either replaced or have proper screening on the lower louvers. (See Exhibit 3); and
- c. Replace all rotting boards. (See Exhibit 4)

3. Ms. Freeman is in violation of Article VIII, by virtue of her fence. Ms Freeman shall either remove or submit a request within thirty (30) days from the date of this Order. (See Exhibit 5)

The foregoing was concurred in by panel members Arlene Perkins and Lawrence Stein.

Any party aggrieved by the action of the Commission may file an administrative appeal to the Circuit Court of Montgomery County, Maryland, within thirty (30) days of this Order, pursuant to the Maryland Rules of Procedures governing administrative appeals.

By:



Jeffrey Van Grack
Panel Chairperson, Commission on
Common Ownership Communities

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